

REMARKS

Claims 1, 4-7 and 26 are pending.

In response to the Examiner's rejection of the claims for indefiniteness under 35 USC §112, second paragraph, Applicant has amended claims 1 and 26 in a manner that specifies that at least some of the steps are performed by a computer. Applicant has also revised the preambles of the claims to refer to methods for "order matching" rather than "trading objects." In addition, Applicant has revised the "applying" step in claims 1 and 26 in order to clarify how the previously encoded user preferences are used later in the claims. In order to address the antecedent basis issue raised with respect to the "one or more sell/buy orders," the claims have been revised to positively recite these limitations earlier in the claims. In response to the objection raised by the Examiner with respect to the "attempting to match" language, this language has been replaced with "searching for at least one match." Applicant respectfully requests reconsideration of the rejections under 35 USC §112, second paragraph, in view of the foregoing amendments.

Previous claim 1 and 26 stand rejected for obviousness over Sundaresan in view of Walsh and Kuechler. The standards for establishing a case of obviousness are set forth in the Manual of Patent Examining Procedure (MPEP), which provides as follows:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). MPEP, Section 2143.03 (Emphasis added).

It is respectfully submitted that the Examiner has failed to establish a *prima facie* obviousness because the previous claim limitations requiring : (i) a filter specified by the user that defines the arbitrarily-shaped region within the at least four dimensions, and (ii) identification of one or more buy orders that are within said arbitrarily-shaped region, wherein said searching of said indexing tree only identifies one or more buy orders that are within said arbitrarily-shaped region, are *not* shown or suggested by the cited references. In the last official action, the Examiner has not even asserted that these claim limitations are shown or suggested by the cited references.

Rather than arguing that all of Applicant's claim limitations are shown by the cited references, the Examiner has taken the position that Applicant's previous claim limitations requiring : (i) a filter specified by the user that defines the arbitrarily-shaped region within the at least four dimensions, and (ii) identification of one or more buy orders that are within said arbitrarily-shaped region, wherein said searching of said indexing tree only identifies one or more buy orders that are within said arbitrarily-shaped region, can be *ignored* for purposes of an obviousness analysis because they are not "positively recited" or correspond to "an intended use." The Examiner's decision to ignore these limitations is contrary to the mandate of MPEP, Section 2143.03, which clearly specifies that "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art."

Applicant disputes the Examiner's position that previous claims 1 and 26 failed to "positively recite" the filter specified by the user that defines the arbitrarily-shaped region within the at least four dimensions. However, in order to moot any further disputes with the Examiner on this issue, Applicant has revised claims 1 and 26 so that it is beyond

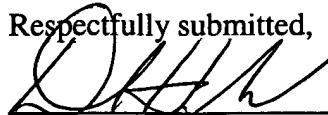
question that the claims positively recite the filter specified by the user that defines the arbitrarily-shaped region within at least four dimensions.

Applicant further disputes the Examiner position that the claim limitations requiring identification of one or more buy orders that are within said arbitrarily-shaped region can be ignored on the ground that they correspond to “an intended use.” While the recitation of “intended uses” may be precluded in “apparatus” claims (see MPEP, Section 2114), such limitations are always permitted in “method” claims. Since all of Applicant’s pending claims are “method” claims, any “intended use” limitations must be accorded patentable weight. Finally, in order to moot any further disputes with the Examiner on this issue, Applicant has revised claims 1 and 26 so that it is beyond question that the claim limitations in question do not correspond to “an intended use.”

In view of the foregoing amendments and remarks, it is submitted that pending independent claims 1 and 26 are in condition for allowance. It is respectfully submitted that all dependent claims are allowable because each such claim depends from an allowable base claim. A Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any deficiency in the fees due in connection with this filing Deposit Account 50-0310. A duplicate of this authorization is enclosed.

Respectfully submitted,



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